

REMARKS

Applicants maintain the claims conform to the elected subject matter and respectfully request that any subject matter claimed which extends beyond the election be identified.

The above amendments direct the claims to compounds where the substituent on L¹ is -C(O)R_x where R_x is -NR_aR_b. The claims no longer recite the variables R_x, R_z and R_y such that the rejection under 35 USC §112 first paragraph, is now moot.

In addition, applicants maintain no evidence has been presented to support the rejection. The text book reference cited on page 10 of the office action, Side Reactions in Organic Synthesis 2005, Wiley VCH, Weinheim, pg IX of Preface is said to speak of "pitfalls lurking in organic synthesis." There is no hint or suggestion this general discussion refers to circumstances as in this application where the specification provides detailed guidance to synthesize the compounds claimed. There is no indication the textbook indicts the disclosures found in patents as ineffective or requiring undue experimentation.

Furthermore, the enablement requirement is satisfied if the specification teaches those in the art enough that they can make and use the claimed invention without undue experimentation. See *Amgen v Hoechst Marion Roussel*, 314 F.2d 1313, 65 USPQ2d 1385 (Fed. Cir. 2003). Where some experimentation is needed and it is routine, the statute is satisfied.

The specification here provides both general and specific guidance for synthesizing the ureas claimed with over one hundred syntheses described on pages 56-80 and over 35 pages of specific synthesis steps that can be used to prepare the claimed compounds (pages 17-56), some with complex ring structures. There is no evidence this disclosure is lacking in any way.

The specification also provides ample guidance as to how to prepare pharmaceutical compositions with the compounds of this invention and how to administer these compositions in the treatment of cancers with dosage ranges for the various methods of administration. Given the extent of the disclosure provided, it would at most involve routine experimentation, if any at all, for one of ordinary skill in the art to make and use the compounds of this invention.

For the reasons indicated above, applicants submit that all pending claims meet the requirements of 35 U.S.C. § 112, first paragraph and that the PTO has failed to meet its

burden of establishing that the disclosure does not enable one skilled in the art to make and use the compounds, compositions and methods recited in the claims, such that this rejection should be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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